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WE WISH YOU
A HAPPY NEW YEAR

THE CRITIC

A Bi-Monthly

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'*Absit invidia*' is the motto we adopted for 'the Critic' and our first number was issued on the 9th December last. By a happy coincidence H. E. Sir George Clarke on the occasion of the opening of the Orient club in Bombay on the 15th of that month suggested the very same motto for that Club.

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" *Auf.*—What is thy name?
Cor.—A name unmusical to Volscians' ears,
And harsh in sound to thine."

Our name seems to sound harsh in the ears of some people, though, it is a consolation that their number is not great. Our sponsor, we regret, had no thought of pleasing them when we were christened. But we can assure the most timid of them that if they will so far condescend as to read the 'Critic' they will find that there is nothing in its columns which could frighten them.

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Every Indian, we feel assured, will remember with gratitude these words of Sir George Clarke on the occasion of the opening of the Orient Club in Bombay. He said:

"The time is approaching when the whole western world will unite in acclaiming and proclaiming peace and good will among men, the finest ideal that can be set before humanity. Just at this time also, we are introducing into the Government of India far-reaching changes of which the inspiring motive is conciliation. Can we not lay aside communal and racial differences and work together in peace and good will for the lasting good of India? Fate has brought many races together in this wonderful country and has rendered them mutually dependent. It is only by whole-hearted co-operation that the problem of India can be solved and prosperity and progress assured." If only the Indians and the Englishmen will

bear these words in their minds and follow the advice of that excellant man whom Bombay has the honor to have as her Governor, can there be any doubt as to what the result will be ?

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Indians will, we feel sure, learn with gratification and pride the success of two young Indian ladies at the Practical Examinations in Music held by Dr. Wm. Creaser in the Madras Centre at the Madras School of Music, on the 27th, 29th and 30th November and 1st December last and at the Presentation Convent on the 2nd December last. They are the Misses Sankaran Nair. Miss K. Sankaran Nair has passed the Higher Examination in the Senior Division and Miss M. Sankaran Nair in the Junior Division. We heartily congratulate the young ladies and their happy parents and hope there will be many more following their example.

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Dewan Bahadur Vencatarama Doss Naidu, late Dewan of Pudukottah, has succeeded Mr. Rajaratna Mudaliar as Third Presidency Magistrate. Already we find a refreshing change in the atmosphere of that court which augurs well for those who have occasion to deal with it. Order and discipline are established and the dignity of the court is maintained. Formerly one used to be reminded of Milton's Pandemonium when he entered the court. We wish the new Magistrate every success during his tenure of office.

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The Madras Mail under the heading 'Contemporary Opinion' gives the extracts from Indian papers under the sub-heading 'Indian' and those from Anglo-Indian papers under the sub-heading 'Anglo-Indian'. But the Madras Times gives the extracts from Anglo-Indian papers under the heading "Contemporary Opinion' but for those from Indian papers it gives a separate heading 'Indian Press.' We are quite in the infant stage yet and we may be pardoned if we are curious to learn whether anything is meant by this differentiation.

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An Institute for the Textile Trades is to be formed in England, which it is proposed, shall be an authority for the determination and recognition of technical and trade standards, usages, terms and definitions. Statistical and other inform tion regarding the production and use of raw and manufactured textile materials will be obtained and a certain amount of work on the purely commercial side will be carried out by the Institute. It is also proposed to form an Examining Board for the purpose of awarding certificates and diplomas which it is hoped will possess a commercial value. The inaugural meeting is to be held this month.

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Kapok or silk cotton has hitherto been considered incapable of being spun. But according to the Indian Trade Journal that difficulty seems to have been overcome by Professor Goldberg, of Chemnitz, who is credited with having found a method of treating the cotton which makes it spinnable. The resulting yarn is said to have a peculiarly 'soft, silky feeling.' If from practical experience fabrics made from the fibre are ascertained to possess wearing qualities, then the cultivation of silk cotton, which is a tropical tree, may be taken up with advantage in India. Already its cultivation appears to have been introduced in German East Africa and New Guinea.

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It is indeed a pity that the manufacture of gold and silver wire and various forms of tinsel is found to be greatly depressed in the old centres of that industry viz.,

Delhi and Lahore. In Delhi alone it was estimated in 1903 that about 300,000 miles of gold and silver wire were annually made and Mr. E. Burdon, I. C. S., whose *Monograph* on the Industry is referred to in the Indian Trade Journal of the 16th ult. says that the depression is owing to foreign competition and that indications are not wanting that it may in time disappear altogether. However, the Punjab Government are reported to have recently sanctioned the collection of *octroi* on all foreign wire and tinsel imported by post into Delhi which, we hope, will revive the dying industry.

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Since the deplorable failure of Messrs Arbuthnut and Co., we are having a regular series of frauds, embezzlements and unaccountable disappearance of properties brought to light. There is the Purasawalkum Fund from the safes of which jewels worth nearly Rs. 20,000 have mysteriously vanished. Though there was a police prosecution in connection therewith it has proved abortive. Then there was the charge of Criminal Breach of Trust against the Secretary of the Egmore Benefit Society which ended in a conviction before the Chief Presidency Magistrate but against which there is an appeal pending in the High Court. There is also the case against the Directors of the East Indian and Anglo Indian Deposit and Loan Society dragging its weary length in the Police Court. And lastly there is a charge of Misappropriation, Criminal Breach of Trust etc. against the European Manager and the Indian Cashier of the Bank of Burma.

All these cases show that the Secretary or Manager of the Fund or Bank concerned has been given too free a hand in the management of the affairs of those bodies without any proper check on the part of the Directors; otherwise we fail to see how these frauds could have been perpetrated with so much ease. We think it is the imperative duty of the Directors, on whom the investing public depend for the proper administration of the affairs of these bodies, to exercise better control over their Secretaries or Managers. We would also suggest that these bodies be audited by competent and reliable *professional auditors*. There will then be a sufficient protection of the interests of the shareholders.

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To express "the protest of Christian England" against the cruelties in Congo was the object of a great demonstration that was held in London about the middle of November last. The Archbishop of Canterbury presided. And by a resolution a complete reform of the whole system of administration in the Congo territory was demanded.

Has 'Christian England' nothing to say about the ill-treatment of the unfortunate Indians in the Transvaal? Great Britain seems powerless to get fair treatment accorded to our fellow-countrymen in Africa. The Indian Government, for reasons which we cannot quite comprehend, hesitates to retaliate in the only way it could by prohibiting emigration, and will it be too much for us to hope that Christian England will take up our cause and protest against the failure of the Christian rulers of the Transvaal to abide by the moral, if not legal, obligations they are under to treat our countrymen with fairness?

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"A very important part of your duty will lie outside the class rooms. A master who wishes to influence his pupils for good must know them. He cannot get the best out of them even in class if he does not well understand their character. And that master can know but little of his boys who only meets them in class

His outlook is hopelessly restricted." The above forms a portion of the very interesting speech addressed to the Teachers of the Saidapet College by Mr. R. H. Shipley, Collector of Chingleput, when he presided at the College Day celebrations. Now, we would beg to substitute the word 'ruler' for 'master,' 'subjects' for 'pupils' and 'office', 'Court room' or 'the Council chamber' for 'class' or 'class room'. Then the above words would very aptly apply to the duty of a ruler towards his subjects. Do our rulers know us at all? So much good can be done if only they can break through their reserve and try to move with us and understand us as we really are. No doubt there are many difficulties in the way. But then our rulers are here for good and we do give them credit for their good intentions towards us. Unless they make some sacrifice and there is some closer relationship between them and the governed, it is impossible to expect that they could understand the real character of the people over whom they are placed. We are aware that the acquaintance of an Englishman with an Indian is liable to be abused sometimes. But an Englishman can very easily discern the good from the bad and keep the latter at a safe distance always.

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At the Mass Meeting of the Anglo-Indian Association held at the Doveton College at the beginning of last month there was a speech made by the Reverend J. Breeden in which he gave some very good advice to our friends the Eurasians. He told them that as a community they were poor compared with other communities. That though they may be told that they were down they must not be content to stay down. He bade them to wake up and make up in grit and character what they lacked in advantages and cease to sigh, complain, mourn and cry. They were an integral part of the empire and must find a place in it. He adviced them to conquer their pride and teach the young men of the poorer classes not to remain content to work as firemen on Railways on low woges, when they can earn from Rs. 50 to Rs. 90 a month even by driving hackney carriages. Instead of remaining in degrading poverty he advised the girls and women of the poorer classes to secure good homes and wages in domestic service and earn an honest livelihood by laundry work. And in conclusion he told them that their policy ought to be (1) not to be ashamed of the word Eurasian (2) not to be afraid to confess a mistake when one was made (3) not to drop an experiment if it fails but try to be longsighted so as not to indulge in doubtful experiments. (4) not to be afraid to tell the truth (5) not to admit Indians to their Association, &c. We do not know if any Indian ever tried to get smuggled into the Association, but that is a mere detail. A goodly portion of the above advice might, in our opinion, be followed by the Indians themselves with equal if not more profit. There are so many of our young men belonging to the Middle class who have gone up as far as the Matriculation and then come to a dead stop. They are neither here nor there. They try and get a post in some firm or other on 10 and 15 Rs. a month and are content to slave there all their life. If they remained bachelors there will be no trouble but our Indian mothers must have them married and that when very young and even when they are unable to support a family of their own. Perhaps by the time that they get a pay of 20 or 25 Rs a month they become men of families and then the struggle commences. They are crippled by debt and lead a most miserable existence. We would strongly advice such

men to give up their pride and try and better themselves by any kind of honest work which would place them above want. They must first find out what work suits their capacities best and then do it. There can never be disgrace or dishonour in any sort of work. In this connection we would commend to our readers the following "*Note*" which was issued lately by the Inspector-General of Agriculture in India.

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Short courses in Special branches of Agriculture and in simple industries connected with agriculture, at the Agricultural Research Institute, Pusa, Bengal.

"The function of the Pusa College in the general scheme of Agricultural Education in India has been defined as that of a Higher Teaching Institution and Research Station for post-graduate agricultural students and for advanced science students, particularly from Indian Universities. At the present stage of development of the Provincial Agricultural Colleges it also seems necessary for the Pusa Institute and Estate to assist Provinces and Native States, by instituting short courses of instruction in special branches of agriculture or in simple industries connected with agriculture. There are now facilities at Pusa for thorough instruction in the subjects referred to. Such instruction cannot well be given in other parts of India for at least some years; therefore I hope that a hearty response will be given to the proposals which I note below. The short courses which I propose are broadly defined in a Syllabus for each subject which is appended hereto. I attach the greatest importance to the value of these courses. There is an undoubted demand for them, but it is impossible to get at present elsewhere in India such simple technical instruction except as a part of much longer course. The instruction will be essentially practical in character and will require no scientific training and not even a knowledge of English. It would, however, be an advantage if the men had all a fair general education. Men who have not the instincts of the professions which they are following or propose to follow will not be accepted. I desire to admit in particular to Pusa for these courses men, who are *bona fide* agriculturists or *malis* by caste. The courses will be suitable for men of the subordinate staff of all the Agricultural Departments, and will be open to private individuals who are engaged or propose to engage in the special branches of agriculture and allied subjects dealt with. It is not possible at first to take more than nine students in each subject at one time, but several subjects can be simultaneously taken up by the same students. A recommendation by a Director of Agriculture or any other authorised authority will be accepted in regard to any application for admission, if the applicant is certified to be of good character and in robust health. Free quarters of a very simple but sufficient character will be provided. Students will have to pay all travelling and personal expenses. The latter at Pusa need not exceed Rs. 15 per mensem and might easily be less. No books will be required. It is proposed to start classes as soon as possible; so applications should be addressed to the Director and Principal, Agricultural Research Institute, Pusa, Bengal, at as early a date as possible."

SECTION OF AGRICULTURE.

CATTLE BREEDING AND MANAGEMENT.—The course will occupy three months. It will deal with the general management of breeding herds and of milch and draught cattle and will include simple instruction in the recognition, treatment and prevention of the more common diseases. The second Imperial Entomologist will deal with the principal insect-pests of cattle, the part which they play as disease carriers and methods of treatment. Courses will commence in October and January.

POULTRY MANAGEMENT.—This will be a three months' course and will include instruction from the second Imperial Entomologist in the treatment of the insect-pests of poultry. Courses will commence in October and January.

DAIRYING.—This is intended to be a complete course extending over six months, in up-to-date dairying.

TILLAGE IMPLEMENTS AND AGRICULTURAL MACHINERY. Training will be given in the principles of construction and in the handling of the common Indian and European tillage implements and agricultural machinery, including ploughs, drills, cultivators, water-lifts, steam-engine, oil-engine, etc. Arrangements have been

made for a complete collection at Pusa of all useful indigenous agricultural machinery, implements and tools The course will occupy three months and will commence in October or January.

SECTION OF ECONOMIC BOTANY.

FRUIT GROWING.—The course will be an eight months' one and will deal with—

(*a*) The general management of a fruit garden including choice of site, laying out, draining and planting, the choice of varieties, irrigation, cultivation and manuring. (*b*) Special processes such as budding, grafting, layering, pruning and root pruning, weathering. (c) Disposal of fruit, including picking, grading, packing and marketing. (d) Evaporating, drying and preserving.

The course will begin each year on the 1st of October and will last till the end ot May.

SECTION OF ENTOMOLOGY.

ERI-SILK AS A COTTAGE INDUSTRY.—The course will occupy about three months and will commence in October and January. It includes rearing and spinning. If dyeing and weaving are to be learnt, three months more would be required.

LAC CULTIVATION AS AN ADJUNCT TO ORDINARY AGRICULTURE.—The training can be given only from the 15th May to the 15th June or the 20th September to the 20th October. These dates vary a little according to the season as lac does not always come out regularly. The training includes pruning and handling of trees, inoculation of lac, harvesting, scraping and washing. It covers the whole industry to the production of seed lac and is exclusive of the production of shellac.

MULBERRY SILK CULTURE.—The course would include rearing, selection of disease-free eggs, reeling and the utilisation of waste cocoons. Instruction would also be given in the varieties of silk worm. Silk twisting (spinning) and dyeing with the simpler forms of weaving could be taught. The course would occupy six months if it ended at the reeling, nine months if it included twisting, dyeing and weaving of simpler fabrics. The training would cover only the ordinary existing methods, not improved methods or reeling of the more complex forms of weaving The course will commence on the 15th June each year.

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Our readers must be aware that there is an Imperial Act called the Act for the Regulation of Printing-presses and Newspapers. Sec. 3 of the said Act enacts that "every book or paper printed within British India shall have printed legibly on it the name of the printer and the place of printing, and if the book or paper be published the name of the publisher and the place of publication.

Sec. 5 lays down the rules regarding the publication of printed periodicals containing public news or comments on public news and prescribes the forms of declarations to be made and subscribed, in duplicate, by the printer or publisher, or printer and publisher before the Magistrate within whose jurisdiction the work is published and the said two originals have to be authenticated by the signature and official seal of the Magistrate before whom the declaration is made (Sec. 6).

Sec. 1 says that "Magistrate" means any person exercising the full powers of a Magistrate (now Magistrate of the first class), and includes a Magistrate of Police (now Presidency Magistrate). And for our present purpose we shall refer to one more section viz Sec. 20, which says that the Local Government shall have power to make such rules as may be necessary or desirable for carrying out the objects the Act, and from time to time to repeal, alter and add to such rules. And so far as we have been able to ascertain, the rules framed by the Madras Government under the Act as amended, are those which we find published in the Fort St. George Gazette, 1902, Part I B, p. 20.

We have gone very carefully through the provisions of the said Press Act and the rules framed thereunder and we have not been able to find any where in either of these that the authority before whom the declarations are to be made by the printer and publisher (much less any

subordinates of such authority) is authorized to put any questions as regards the nature of the paper, as to who the editor was, as to the income of the publisher, as to what income tax he pays or as to what landed estates he possesses. Yet that is what happened to a publisher when he appeared before the Commissioner of Police for making the necessary declaration under the Press Act. We have made enquiries to find out if any other rules besides those mentioned above have been recently framed but we are informed there are none. If this be the existing law we must, on principle, strongly protest against anything being done in the name of the law in excess of its provisions.

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" Simple imprisonment till the rising of the Court " and so many rupees fine. This appears to be the order of the day. Under the Penal Code certain offences are punishable with imprisonment or fine or both and certain others with imprisonment and fine. In the latter class of cases it is obligatory on the part of the Magistrate to inflict both forms of punishment when an accused is found guilty. Latterly there seems to be a tendency on the part of our Magistrates to satisfy the law by sentencing an accused person, found guilty of an offence coming under the latter category, to imprisonment till the rising of the court and inflicting a fine. If we are not mistaken the departure was first made during the time of that able and upright Magistrate the late Mr. Kuppusawmy Iyer in the case in which a well-known man in Madras was convicted by him but which conviction was upset on appeal. We do not say that there may not be cases in which an accused person might deserve such considerate treatment at the hands of a presiding Magistrate. But in the case of the man who was lately convicted by Mr Oossman Sahib Bahadur at the Egmore Police Court, we do not think the Magistrate was justified in dealing so leniently with the accused. It was a deliberate case of cheating and that by a man said to belong to a respectable family. This *might* have been a consideration if it was his first offence. But if we are to believe the report of the case in the local papers the man pleaded to a previous conviction for a similar offence and surely in such a case a more severe punishment was necessary. Such cases will only give room for the poor to say that there was one law for the poor and another for the rich. What would have been the punishmnnt if the accused had been a poor man ? We should rather think that it is the ' respectable,' ' the educated ' and the rich who deserve to be more severely dealt with than a poor man when they transgress the law. For the latter does have some excuse for yielding to temptation ; it may be poverty—nay it may be actual starvation which made him to err ; but the former have not even that excuse. It is a wonder that the fashionable plea of ' Kleptomania,' is not put forward by these ' respectably connected persons' when they find themselves in the dock.

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EDUCATION OF WOMEN.

According to Mr. K. B. Ramanatha Iyer who delivered a lecture about the middle of last month " on the backward state of Female Education in this Presidency " under the auspices of the Social Reform Association, the chief reasons for the unsatisfactory progress in the education of girls are as follows :—The idea that female education does not pay, and a notion that money spent for the education of girls was not a good investment. Secondly the failure to recognize that girls were as much entitled to be educated

as boys. And thirdly lack of facilities for the education of girls, and the existing social customs of child marriage and seclusion.

With regard to the first two reasons we do not think they apply except perhaps to the poorer classes alone. But what about the rich? Their girls are as much wanting in the right sort of education as those of the poor. Surely it cannot be said that the educated classes in our Presidency do not realize that their girls are entitled to education as much as their boys. There are Social Reform Associations all over the Presidency and we hear a good deal from them as to how necessary it is for girls to be properley educated. We should like to know how many of our 'reformers', have given their own girls sound education.

As for lack of facilities for the education of our girls we are not prepared to admit that such is the case. There are any number of schools available. Our good friends the Missionaries have established schools wherever there is a need for one, especially in the mofussil. In addition there are many Hindu schools and in Madras the Normal School for Mistresses is doing satisfactory work.

The only true reason, in our opinion, is the last one given by Mr. Ramanatha Iyer and that is the evil of seclusion and child marriage. The words 'child marriage,' we presume, were used to include marriage of girls of about 12 or 13 years of age. Unfortunately in India girls attain their puberty very early, on an average when they are barely 12 years of age and the majority of Indian parents stop their girls from attending the school when they are about 11 years old. The girls are put to school when they are about six or seven and they have only four years within which to begin and complete their education! What can the poor mites have learned during that short period? And the parents who are in a position to have and do have private tutors for their girls after their school career is so mercilessly cut short are very very few indeed. The father could or would not teach his girls himself and the mother perhaps knows less than the daughter and so there is no sort of education at home after the girls stop attending the school. By the time the girls are 13 or 14 years old the inevitable marriage takes place. A year later there arrives a baby and there education stops.

During those few years at school the girls might have learnt some Geography; perhaps they may know that Calcutta is the capital of India and that London is in England. We will even grant that they know something of Indian History, that Rama was the hero who conquered Ravana, the Rakshasa king of Ceylon. They may know how to add, subtract and multiply. Beyond that it is impossible to expect them to have learnt anything more. Their so called education has prevented them from learning any cooking, they cannot stitch, they are quite ignorant about the bringing up of children and yet they are made wives, and become mothers when they themselves are no more than children. There can therefore be no progress in the education of our women, unless and until we break through the evil custom which keeps us down and emancipate our women.

In addition there must be a change in the treatment by Indians of our womenkind. Even educated men, it must be admitted, are far from treating their women with that respect and consideration which is their proper due. Sometime ago, it was in the moffussil, a train stopped at a Junction. There were two Indian

passengers in a second class compartment, one a lady and the other a man. The man got out and began walking up and down the platform. The lady on the other hand began removing the *Saman* from the compartment. There were a good number of them—a trunk, a big roll of bedding &c, a round tin box, two or three decent sized bundles wrapped in cloth, one big *Chembu* with handle, a brass betel-leaf case or holder, an umbrella, a stick and a candle lamp. All these the poor lady, who was rather corpulent, moved one after another on to the platform panting and breathing hard, the man never offering to help her. After all the *Saman* were removed there came the climax. The man asked the lady if she had got out everything and she replied 'yes.' Then that brute of a man told her to get up on the seat and see if there was nothing forgotton on the rack! There was no murmer or protest but the poor patient woman got up on the seat and with difficulty passed her hand over the rack and said there was nothing there. We were under the impression that the man was some country boor but on enquiry found that he was a big man with more than two letters of the alphabet to his name, in Government Service, drawing about Rs. 800 a month and that his daughter was married to a Vakil practising there and that his wife and himself were come to pay a visit to the daughter. Can you imagine anything more disgraceful than the conduct of that man towards his wife? While such things can happen how can there be any progress in female education?

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THE ELECTIONS.

(1) Our thanks are due to Mr. Subramanyam for his withdrawal from the contest for the seat in the Legislative Council in behalf of the Madras Corporation.

There were therefore 3 candidates. Under the circumstances Mr. P. M. Sivangnana Mudaliar did well we think to withdraw, rather than split the votes among the three.

There were thus only Messrs Theagaroya Chettiar and Savage left in the field and it was a foregone conclusion as to who would win. Out of the 36 votes Mr. Chettiar has secured 24 and Mr. Savage 12. There are 12 European and 24 Indian Commissioners and it will not be unreasonable to presume that the Indian commissioners voted solidly for Mr. Chettiar, which is a good sign. And the best man has won and we congratulate Mr. Theagaroya Chettiar on his success.

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(2) The University of Madras has returned Mr. T. V. Seshagiri Aiyar and we are sure every Indian is proud of his success. Though this is the first time he enters the Council, we have full hope that he will do as much justice to his selection as his predecessors the Hon'ble the Advocate General and the Hon'ble Mr. Justice Krishnaswamy Iyar.

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(3) The following gentlemen have been elected for the eight groups representing Municipal Councils and District and Taluq Boards.

(i) Ganjam and Vizagapatam—Mr. Raghava Row Pantulu.

(ii) Godaveri, Kistna and Guntur—Mr. K. Perrazu Pantulu.

(iii) Nellore Chingleput and North Arcot—Khan Bahadur Habibullah Sahib.

(iv) Cuddapah, Kurnool, Bellary and Anantapur—Mr. P. Kesava Pillai.

(v) Salem, Coimbatore and Nilgiris—(to be elected) ... ...

(vi) South Canara and Malabar (including Anjengo and Tangasseri) —Mr. M. Krishnan Nair.

(vii) Tanjore, South Arcot and Trichinopoly—Mr. N. Krishnaswami Iyangar.

(viii) Madura and Tinnevelly—Mr. M. Vencataramier.*

Of these seven only three have served in the Council before and we are specially glad that Mr. Kesava Pillai, has been re-elected. The remaining four gentlemen are new to the Council and it remains to be seen how they will discharge their duties there.

His Excellency the Governor deserves our hearty congratulations. It was an error of judgment no doubt to have ruled that Public Prosecutors and Government Pleaders were not Officials for the purposes of the Legislative Council elections. But that error has now been rectified and the election of Mr. Balakrishna Aiyer has been declared void. His Excellency has at the same time been pleased to nominate Mr. Balakrishna Aiyer as a member of the Legislative Council and another person is to be elected in his place. We think we have, in a way gained one more elective seat than is provided for in the Regulations which counteracts the loss caused by the *election* of a Mahommadan gentlemen for the 3rd group. For Mr. Balakrishna Aiyer was elected by the Municipalities and Boards concerned, though now he will take his seat in the Council as a nominated member, and we will have another representative elected by the same bodies. It would have been more satisfactory if Mr. Balakrishna Aiyer had resigned his appointment at least after the result of the election was known. Had he done so it would have been a graceful act on his part.

* Since dead.

With regard to the election of a Mahommadan gentleman by Nellore, N. Arcot and Chingleput, it was indeed a surprise to us. We should have welcomed not only his election but that of a few more of his co-religionists, had there been no separate electorate for his community. As it is, we have lost an elective seat.

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The following gentlemen have been elected to represent the Landholders, Mahommadans and other communities and interests.

(4) Zamindars :—

(i) The northern group—The Maharaja of Vizianagaram.

(ii) The Southern group—The Zamindar of Doddappanaickanur.

(5) Landholders other than Zamindars.

(i) The nothern group—Mr. Varada Kameswara Rao Naidu.

(ii) The southern group—The Raja of Kollengode.

(6) The Mahommadan community :—

(i) The northern group—Mr. Mahommad Abdul Kudus Badsha Sahib.

(ii) The southern group—Moulvi Saiyed Murthaza Sahib.

(7) The Madras Chamber of Commerce —Mr. W. B. Hunter.

(8) The Madras Trades Association—Mr. E. W. Orr.

(9) The Planting Community—Mr. J. G. Hamilton.

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Mr. Graham at the last St. Andrew's Dinner in Calcutta was so bold as to criticise the present Law of Evidence in India. Even men trained in Law from their youth upwards, Judges, Barristers, Vakils and Magistrates who administer the law or assist in its administration hesitate to find fault with the existing

Law of Evidence. Fortunately for our country Mr. Graham is neither of these. That is a great consolation. Now if the suggestions about the simplification of our Law of Evidence were adopted and put into practice, T. J. Edwards who was convicted by Mr. Justice Holmwood at the Calcutta High Court of the offence of grievous hurt would be the first person, we think, to protest against it. Edwards in a drunken brawl caused the death of one Radhna, a sugar-cane grower, by cutting him with a razor. According to Mr. Graham if an accused is caught red-handed then he must be summarily dealt with without the worry of the formalities of the Criminal Law and Procedure or the Law of Evidence which in his opinion, only hamper justice. Now Edwards caused the death of the man and if Mr. Graham had his way, the man must be hanged. Why all the bother of ascertaining whether the offence amounted to Murder, Culpable Homicide not amounting to Murder or only Grievous Hurt? It is very *simple* Mr. Graham, but it is neither law nor justice. We may be permitted to ask Mr. Graham what he would do in the following case if he were a Judge.

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Suppose a poor half-starved punkawallah, who has been pulling the punkah the whole night, goes off to sleep in the early hours of the morning when his master perhaps wants the punkah most. The master gets annoyed, comes out and finding the fellow in the arms of sleep plants a kick on his side and the man dies. There you have the man who kicked and the man who died of the kick. We suppose, Mr. Graham you, if you were a Judge, will have no hesitation to put a cord round the man's neck and hang him from the nearest rafter or tree. Or will you have a *post-mortem* examination of the body of the poor punkawallah held by a competent medical man to find out if there was an enlarged or diseased spleen or something of the kind. ?

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In connection with the speech of Mr. Graham's, we cannot here abstain from quoting a portion of the advice which the '*Capital*' gave him. It wrote "It was a pity he felt himself called upon to touch on anarchy, reforms, and Criminal Procedure. His excursion into these themes showed that he was very much like a traveller in an unknown country and with a vision just enough to enable him to see men as trees walking. His remarks, therefore, on the points referred to, were of rather a jejune and unilluminating order. An audience likes to hear a speaker tell of something he actually knows about."

REFERRED TRIALS AND APPEALS IN MURDER CASES

> "Not the king's crown, nor the deputed sword,
> The marshal's truncheon, nor the judge's robe,
> Become them with one-half so good a grace
> As mercy does."

Under the provisions of the Code of Criminal Procedure, the power of sentencing to death an accused person found guilty of the offence of murder, is given to the Sessions Judges in the mofussil. A death sentence passed by a Sessions Judge is

subject to confirmation by the High Court. The condemned man is given seven days' time within which to submit his Appeal to that Court. In the ordinary course the matter comes up before the High Court for confirmation of the death sentence; and if at the same time the condemned man files an appeal, both are heard at one and the same time the former being called a Referred Trial and the latter a Criminal Appeal. For arguing Referred Trials the Government engages a legal practitioner to appear in behalf of the accused.

Now we wish to place before our readers the facts in two cases which were heard by the High Court sometime ago in one of which, the learned Judges commuted the death sentence to transportation for life and in the other, where a commutation of the death sentence, if not an acquittal, or a retrial would have been, in our humble opinion, the most proper order to have been passed under the circumstances of that case, the sentence of death was confirmed.

Their Lordships Mr. Justice Benson and Mr. Justice Abdur Rahim, observed recently in Cr. A. No. 492 of 1909, which was only a case of Culpable Homicide not amounting to Murder, that it is always the duty of the Sessions Judge "*to elicit definite information from the witnesses before the Court, quite irrespective of what the prosecution or the defence attempted to do in the matter.*" (*Vide* report in the local dailies). We submit that the above observation of the learned Judges apply more forcibly to murder cases and with all humility we would say that when a murder case comes up before the High Court, whether in the shape of a referred trial or an appeal, it is equally the duty of the learned Judges who hear it to go thoroughly into the records before them and *irrespective* of what the *defence has done* or *omitted to do in the Lower Court* find out if the guilt had been brought home to the accused. In the case of a poor man charged with murder he is defended at the expense of Government. He may or may not be properly defended. If he is not properly defended, or if objections which ought to have been taken in the Lower Court do not appear from the records to have been so taken, or if any theory inconsistent with the story for the prosecution had not been put forward in the Lower Court, or if the witnesses for the prosecution had not been properly cross-examined or if the Sessions Judge had failed to "*elicit definite information*" from the prosecution witnesses especially where there are no defence witnesses, we submit that it is the duty of the Learned Judges by whom the appeal is heard to themselves sift the evidence thoroughly before confirming a sentence of death passed by the Lower Court. We can understand the shutting out of arguments in Civil appeals on points not raised in the Lower Court-and even there there are exceptions-but where it is a question as to whether a man is to be hanged or not we regret that more latitude is not sometimes shown to the condemned criminal.

THE CASE IN WHICH SENTENCE WAS COMMUTED.

One evening at about 4-30, R. the accused went to the village temple when the Village Magistrate and certain ryots had assembled and stated to them "of his own accord": "that he had pressed down and trod" and "placed stone" over his wife who was washing some cloth in a well close by. "He was seized on the spot" taken to the scene of offence when he got down and took out the corpse. There were marks of contusion on the corpse viz. on the cheeks and elbow.

This is the first report sent by the V. M. to the Police and the Magistrate. The V. M. adds in the Report "The persons who were present with me when the above said person informed me and when the corpse was seen are" and here he mentions the names of five ryots and says there were others present.

The report is dated the 8th of a month about 6. 30. P. M. The report to the police was received at 12-10 in the night and the Magistrate whose Station was 15 miles off received it the next day at 7-30 A. M.

According to the evidence of the V. M the Police turned up at the village at 12 that night but according to the Kurnam it was at 6 or 7 next morning. An inquest was held and in the column about "the state of corpse" the following remarks are found :—"abrasion above the right knee", "injuries on the elbows, back swollen" "some parts of hand &c were *eaten up by ants.*"

The accused was one of the *witnesses* examined during the inquest. He said that he followed the woman, got into the well, 'threw her on the surface', pressed her, lifted up the stones that were in the well, placed them on her and immediately after she died he went and informed the V. M.

The Sub-Magistrate says in his evidence "I had gone to the village on receipt of the report of the Village Munsif at 9 A. M. that day—"i.e., the day after the occurrence. It is not clear whether he reached the village or received the report at 9 A. M. that day; but he says he saw the accused at 1 P. M. He examined the well and returned to the Chavadi where the accused was brought. He sent the Police to make enquiries and bring "witnesses." A few hours after, the accused who was sitting quietly in front of the Chavadi got up and spoke to the Magistrate thus—" my fate has become such what punishment shall I get?"

The Magistrate replied " If any one had committed murder he was liable for transportation for life or a death sentence." The accused thereupon said " Any how I have committed this act. I shall tell you the facts." The Magistrate then warned him that he was not bound to tell him the facts, that he was the investigating Magistrate &c. Notwithstanding the warning he made a confessional statement which the Magistrate believed to be voluntary."

Thus far it will be seen that not a word is mentioned about any "Mahazir" having been taken from the accused at or about the time he first came and told the story to the V. M. and other ryots at the village temple.

The Magistrate examined one witness viz., the karnam of the village, on that date. This man after supporting the story as found in the V. M.'s first report, added in his statement that before ever the accused *took* them to the well they took a " Mahazir " as to what he said and produced the " Mahazir "; and the explanation was that "the Munsif *omitted*

to submit this (Mahazir) with his report." This Mahazir runs as follows: "Statement of R son of M of (village) T before the village authorities of the village on . . . I have now come having drowned my wife T. . . . . l in R. N.'s well while she was washing her cloth pressed her, trod her, killed her and placed a stone on her. You and others will come and also send me up."

This is the statement which is not mentioned in the V. M.'s report, and which the V. M. omitted to submit with his report ! The Sub-Magistrate does not seem to have asked any explanation from the V. M. for this grave omission. Nor was the V. M. asked any question about it either by the prosecution, the defence or the Sessions Judge during the trial before the Sessions Court.

A *post-mortem* examination was held on the third day after the occurrence and in the certificate it was stated that death *might* have been due to Asphyxia, the result of drowning and in his evidence before the Sessions Court the Medical witness stated that death *was* due to Asphyxia, the result of drowning. Two questions seem to have been put in the cross-examination of this witness and the answers are :—"The body was fairly strong." "The injuries on the thigh and abdomen might have been caused by a severe fall." The Court appears to have put some questions to this witness to find out if the injuries might have been caused before death and if they could have been self-inflicted.

The accused in due course was committed to the Sessions, tried, convicted and sentenced to death.

In the Sessions Court it is to be presumed that the man was defended. The cross-examination of the Sub-Magistrate is confined to one question the answer to which was "So far as I remember the accused did not say that there was no use living in this world and that he should quit the world" The V. M. was asked about the property of the accused and his other answers are "the accused had large property formerly which he had squandered. He has only his brother, apart from his wife, to look after him. His brother lives in the village. He is at enmity with his brother." The Karnam cross-examined said "the accused has land. It is sufficient for him and his wife. He used to go sometimes for cooly work. It is true that accused squandered his property." Two other men who attested the said "Mahazir" were not cross-examined at all. Not a word was asked of any of these witnesses about the alleged 'Mahazir.'

In the Sessions Court the accused said that he did not commit the offence and that, as his wife was dead and there was no one to give him kanji, he thought they may hang him as well and that that was why he made such a statement in the Lower Court. There were no defence witnesses.

A motive for the crime is found mentioned in the confessional statement. In his appeal petition to the High Court he said among other things: "Even now I am an old fellow about to die. It is immaterial whether I live in the world or die. I write this in order to communicate the truth" and denied having murdered his wife. It will therefore be seen that, apart from the confession of the accused himself, in this case there was no direct evidence to prove that it was the accused who committed the offence. No doubt there was the prosecution evidence that it was the accused who pointed out the corpse and took it out. There was no adequate motive proved for the murder.

The production of the "Mahazir," alleged to have been taken immediately after the accused confessed his offence, at a late stage was very suspicious. There was no proper cross-examination of the prosecution witnesses in the Sessions Court.

The above are the facts in one of the cases above referred to, and Their Lordships of the High Court commuted the sentence of death, passed by the Sessions Court, to one of transportation for life.

THE CASE IN WHICH DEATH SENTENCE WAS CONFIRMED.

At about 3 o'clock on a certain evening the complainant M. went to the Police Station which is five miles from his village and made a statement to the following effect. 'A month ago N. the accused attempted to commit rape on my wife who came away and reported to me. I reported this to the Village Naidu. Bearing this grudge he twice threatened to beat me. But the villagers dissuaded me and I kept quiet without taking any action. At 10 o'clock yesterday morning I went to the market at D with my mother. She returned first. While *villagers and myself* were returning with the shandy people, the accused N was lying in wait for me in the forest between my village and the village of D. Seeing me he shouted out twice to me "stop." I was afraid, hid myself in the forest and returned home. I told all this to my mother who reported it to the Village Gouda. Meanwhile the accused at 7 o'clock last night inflicted 2 blows with the axe in his hand, *one* on my mother's *left eyebrow* and the *other* on *her left shoulder*. She cried out and fell down. The two witnesses P and A who saw the beating *pursued* the accused, but he ran away. I also *saw* the accused. I brought my mother home and looked to her safety. But on......(giving the date, month and year) at 7 o'clock in the morning she died. Justice may be granted in this ?'

We give the above in detail as the first complaint is all important. Regarding this complaint the following facts must be remembered. (1) The complainant's wife was not examined in the Sessions Court as she had then recently confined; but her evidence before the committing Magistrate was read as an Exhibit in the case. Cross-examination in the Lower Court *nil.*

(2) Not one of the villagers or shandy people said to have been present when the accused waylaid the complainant in the forest (a quarter of a mile from the village) was examined to corroborate him about that incident.

(3) The complainant was 20 years old and a married man and it was the mother to whom he complains and not to the Gouda.

(4) *Two* blows were dealt---one on the *left* eyebrow and the other on the *left* shoulder of the deceased woman.

(5) The complainant says he saw the accused, not that he saw accused actually dealing the blows.

There was an arzi to the Station House officer in almost the same terms as the complaint but with one difference. In the 'arzi' there is a *third blow on the head* introduced. Both these documents bear the same date (3 p.m.).

On the third day after the offence a *post-mortem* examination was held and in the column for "state of corpse" etc. the answers are "1 mark of a wound on *right eyebrow*, 1 wound 1 inch long on the *right shoulder* 1 mark of a wound on *the right jaw*."

The complainant was examined at the inquest. About the waylaying by the accused he says 'when *myself* and my *village people* were coming behind along with

other men from the shandy...the accused called me twice; I was afraid and returning home told my mother'; and about the blows he says "*one blow* on the *right side of the head*, *one* on the *right shoulder* and a *third* on the *right eyebrow*"—There is nothing about the pursuit of the accused by the witnesses.

P. one of the eye-witnesses also mentions at the inquest three blows as above. But the second eye-witness A mentions only two blows one on the *right* eye and one on the *right* shoulder. The number of blows is not so material but the variation in the position of the wounds from *left to right* ought to be carefully noticed. It may not be out of place to point out here that the two eye-witnesses P. and A., who now say that the wounds were on the right side, had attested both the complaint and the 'arzi' mentioned above.

The accused was committed to the Sessions and we shall now look into the evidence before the Court of Sessions. The complainant who was the first witness gives details of the attempted outrage on his wife by the accused and about the subsequent threats.

Then he proceeds. "I and my mother went to shandy at D. "My mother returned first, and I was returning later. That was about sunset. There is a jungle in the way. The accused waylaid and *threatened to beat me there*. He told me to stop there. *He pursued me saying that he would kill me*. I fled. *He was holding a tungi* which is the one before the Court" (the very axe with which the accused is alleged to have inflicted the fatal blows on the deceased). "I hid myself behind a bush in the jungle. The accused returned home." The statements in italics are made for the first time.

In cross-examination he says "It was about 5 P.M. when I started from the shandy. My village is a quarter of a mile from where the accused waylaid me. *I was alone*. I was about 10 yards from the accused when I saw him in the jungle" and yet the accused does not do him any harm when there was such a chance. It will be noticed here that the villagers and shandy people vanish and he was *alone*.

The second witness was the eyewitness P. a gauda to whom the poor woman was complaining when she is alleged to have been dealt the fatal blows.

The other eye-witness A gives a similar story and mentions three blows one on the *right* side of the head, one above the *right* eye brow and the third on the *right* shoulder blade.

The fourth witness was the village Naik who was absent from the village on the date of offence but returned after the death of the woman.

The sixth witness was the constable at the Police Station to whom the written complaint was given. He says that after sending a special report about the occurrence he started for the complainant's village which he reached late in the evening and that he arrested the accused in the way while going to the scene of offence. *The accused gave up the tungi saying he had committed the offence with it.*

One more important fact in the case is that the Hospital Assistant who had held the *post-mortem* examination was not examined in the Sessions Court but his evidence before the commiting Magistrate, when there was no cross-examination, was read over in evidence and marked as an Exhibit. And according to this witness the woman must have died on account of the severe blow received on her head. And *that wound on the head was not mentioned in the first statement given* to the police in writing.

None of the prosecution witnesses was questioned about the omission of the wound on the head in that first statement. Though the medical witness says that the woman must have died owing to the blow on her head, in the light of the omission of any mention of that wound in the original complaint, a definite answer must have been obtained as to whether such wound could have been caused after death. There was no opportunity to cross-examine the Medical witness as he was not examined in the Sessions Court.

We have mentioned the first complaint and the 'arzi' bearing the same date. In both of them there is one significant statement which is very suspicious and makes one think that those two documents must have been got up some time after the date of offence for, both say at the end "she died on the morning of" and the date, month and year are given. If the documents were really written on that date one would not expect the date to be given there but the words this "morning" for, there is the date below.

Now it will be seen from what has been stated above that the deceased was beaten one evening about dusk, that she died the next morning and that *no information* was sent to the Police Station which was only five miles of till 3 *P. M.* that day. Two wounds are mentioned in the complaint. Both as having been dealt on the *left side* of the deceased but afterwards changed to the *right side* and a *third wound* was added later on which, according to, the medical witness, was the *fatal* one. A doubt naturally arises if those so called eye witnesses and the complainant, who was attending on his mother from immediately after the blows were given one evening till her death at 7 A. M. next morning, could possibly have made such a mistake with regard to the position of the wounds *if they had really seen the wounds* at the time they gave the written complaint to the Police.

In this case the sentence of death was confirmed by the High Court.

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THE NASIK OUTRAGE.

It is with feelings of horror and shame that we have heard of the assassination of Mr. Jackson at Nasik. That such a popular and sympathetic officer should have met his fate at the hands of an assassin is in itself most deplorable but that it happened on an occasion when he was the honored guest of our grateful countrymen at Nasik is a shame that will take long to be wiped out. No country holds the laws of hospitality more sacred than India and that such a country should have produced this vile wretch—the assassin—is only an irony of fate. That a judge who does his duty should be honored and respected is the well accepted morality of all civilized nations. The misguided young man no doubt glories in the act but it had been far better if he had adopted the fatalistic theory of this unfortunate land and decided for himself that Mr. Jackson had been the instrument of the Great Almighty in awarding punishment to his friend. We sincerely trust that this will be the last of similar outrages and evil doers will perceive that they are not only tarnishing the fair fame of their ancient land but will be doing incalculable mischief to all legitimate progress.

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CRICKET IN MADRAS.

M. C. C. *vs.* CEYLON

In the M. C. C. *vs.* Ceylon Match the home team Scored 113 runs in the 1st innings of which P. W. Partridge was

responsible for 61 and the Ceylon score was 300 for eight wickets when they declared their innings closed. Thornton, Goodman, Wicks and Mackwood contributing 98, 79, 46 and 20 respectively. The M. C. C. were all dismissed in their second venture for a total of 100 runs leaving Ceylon winnners by an innings and 87 runs.

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THE BUCHI BABU TROPHY.

The first of the matches in connection with the above Trophy began on the 25th of last month. The Pickwick C. C. played the Jubilee C. C. In the first innings the teams scored 242 and 254 runs respectively. But the former team at the commencement of their second innings objected to the condition of the carpeted pitch and required it to be rolled although it was declared by the umpires and referee fit to play on. The matter was then referred to the Tournament committee who scratched the Pickwrick Club and declared the Jubilee Cricket team winners. We regret the Pickwick team's attitude in the matter. One of the first essentials that one has to learn in sport is discipline. When a matter is decided by umpires and referee their decision, however aggrieved one may feel, must be submitted to by all parties concerned. That is the true sportsman spirit that some have yet to learn.

The second match was between the M. U. C. *vs.* the Friends XI. It was a poor tie unfortunately, yet the latter team played pluckily though they were all dismissed for less than a century in both their innings. We wish the Friends XI. better luck next time. The M. W. C's first innings realized 443 runs. Singaram put up 110.